

IN THE SENATE OF THE UNITED STATES.

MARCH 26, 1860.—Ordered to be printed.

Mr. HEMPHILL made the following

REPORT.

[To accompany Bill S. 311.]

The Committee on Claims, to whom was referred the memorial of Colonel William Gates, praying indemnity for losses sustained by the destruction of his property on board the steamship San Francisco, has had the same under consideration, and reports:

It appears that the memorialist, a colonel of the third regiment of United States artillery, was ordered by the general-in-chief of the United States army, in the year 1853, to proceed with a portion of his regiment to California. The steamship San Francisco having been chartered by the government for the transportation of the troops, the memorialist, with six companies of his regiment and some recruits, embarked on board the ship at New York, on the 21st of December, 1853. Expecting, from the character of the service and the nature of the preparation made by the department for the transportation of the troops, that they would remain for a considerable period of time in the west, the officers and men were induced to provide an unusually heavy outfit. The officers were accompanied by their families, and took with them household furniture and goods, in view of a protracted stay, and the difficulty of obtaining such articles in the west.

That this was reasonable and proper, will appear from the following extract from a letter of Assistant Adjutant General Thomas to the quartermaster general in relation to the chartering of a vessel for the conveyance of the troops:

“General: In inclosing herewith General Order No. 2, I am instructed by the general-in-chief to request that you will please give such instructions to the officer of your department, in this city, in relation to the transportation to be furnished the troops ordered around the Horn to the Pacific division, as will cause an ample allowance to be provided.

“This is required, both on account of the length of the voyage (passing twice under the equator) and the peculiar state of affairs in California, and the probable length of service of the regiment in that

country, which makes it desirable for the officers and men to be able to supply themselves with a large outfit at this place.

"The troops will carry with them not less than nine months' subsistence, and if the capacity of the vessel will admit, twelve months of everything but breadstuffs."

As another indication in the same direction, it may be mentioned that the troops were allowed six months' pay in advance. The steamer was chartered for this especial service, and was not allowed to take any freight, and only the necessary amount of ships' stores, in order that the troops might have ample room for their baggage and stores.

On the 22d December, 1853, the San Francisco sailed from New York with the troops on board, and, on the 24th December, encountered a severe storm, followed by a succession of gales during four days. The steamer became disabled, and a wave breaking over her, washed overboard about one hundred and twenty-five officers and men. To save the ship, the master ordered most of the stores to be thrown overboard, and by this course the vessel was kept afloat. Other vessels afterwards hove in sight, and, coming to their assistance, most of the remaining passengers were taken from the wreck and conveyed safely to port. But the steamer itself, and all the materials on board of her, were abandoned and lost.

Your memorialist had on board, as he alleges, all of his personal property, a schedule of which is furnished, and which he affirms to be correct to the best of his knowledge and belief. The value of the whole is estimated at \$8,460 50, and for their loss he prays to be indemnified.

Your committee find that in the case of the steam frigate Missouri, which was burned in the harbor of Gibraltar on the 26th August, 1843, when the crew lost all their clothing, &c., that bills for the relief of the officers and men twice passed the Senate; that the case was favorably reported on in the House during the first session of the Twenty-ninth Congress, (Rep. No. 597,) but was never acted on in the House, although the President, in his next message after the disaster, called the attention of Congress to the matter, and suggested the propriety of reimbursing the amount of their losses. The Hon. Caleb Cushing, on his way to China as minister from this government, was on board the steamer at the time of her destruction, and in a letter to the Secretary of the Navy, speaks in the highest terms of the gallantry of the crew neglecting their own property in their strenuous efforts to save the property of the government. He adds that he is informed that there is "a permanent regulation in the British Navy for the relief of both officers and men under such circumstances."

Your committee, after careful examination, has found no case exactly similar to that of your memorialist in which Congress has furnished relief. The bill which has passed for the relief of the officers and men at Fort Delaware, which was burnt on the 8th of February, 1831, is the nearest approximation to the present case which they have been able to find. (Statutes at Large, vol. 6, p. 512,) "*Be it enacted, &c., That the Second Auditor of the Treasury be, and he hereby is, authorized and required to ascertain the amount of property lost by each officer and soldier in the conflagration which occurred at Fort Delaware on the night of the 8th of February, 1831, and the amount so*

ascertained shall be paid out of any money in the treasury not otherwise appropriated.”

Soon after the wreck of the San Francisco a call was made by the Senate on the Secretary of War for information in regard to the nature and extent of the relief required by the calamitous condition of the troops on board the San Francisco. The Hon. Jefferson Davis, then Secretary of War, replied that, in his opinion, an act similar to that quoted above, in the case of the officers and men at Fort Delaware, “would be a proper measure in this case.”

Your committee, in view of all the circumstances of this case, is disposed to recommend it to the favorable consideration of Congress, and report the accompanying bill.

